

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAURA J. ARNOLD,

Plaintiff,

CASE NO. 1:13-CV-298

v.

HON. ROBERT J. JONKER

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Green's Report and Recommendation in this matter (docket # 19) and Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (docket # 20). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997). Specifically, the Rules provide that:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED R. CIV. P. 72(b). De novo review in these circumstances requires at least a review of the

evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; and Plaintiff's objections. The Court finds the Magistrate Judge's Report and Recommendation (docket # 19) factually sound and legally correct.

Plaintiff's Objections principally reiterate and expand arguments made in her initial briefing. The Magistrate Judge has already carefully considered and thoroughly addressed these arguments. Even accepting as true Plaintiff's contention that the ALJ mistakenly found certain of treating physician Dr. Praamsma's opinions internally inconsistent, the ALJ provided other reasons for discounting Dr. Praamsma's opinions, including the results of three MRIs and a lack of objective medical evidence supporting the opinions. None of Plaintiff's objections changes the fundamental analysis the Report and Recommendation details. The Magistrate Judge correctly found that substantial evidence supported the ALJ's decision to deny benefits.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (docket # 19) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Commissioner's decision is **AFFIRMED**.

/s/Robert J. Jonker
Robert J. Jonker
Chief United States District Judge

Dated: August 4, 2015